

ASSEMBLY BILL

No. 1601

Introduced by Assembly Member Stone

February 5, 2014

An act to amend Section 583 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as introduced, Stone. Public utilities: information: confidentiality.

The Public Utilities Act prohibits the commission or an officer or employee of the commission from disclosing any information furnished to the commission by a public utility, a subsidiary, an affiliate, or a corporation holding a controlling interest in a public utility, unless the information is specifically required to be open to public inspection under the act, except on order of the commission or a commissioner in the course of a hearing or proceeding.

This bill would instead require the information to be open to public inspection unless federal or state law or an order of the commission requires the information to be closed to inspection, or the withholding of that information is specified by the commission, a commissioner, or an administrative law judge in the course of a hearing or proceeding. The bill would authorize a public utility, a subsidiary or affiliate of the public utility, or a corporation holding a controlling interest in a public utility providing information to request the commission to withhold from public disclosure all or a portion of the information provided. The bill would require the commission, a commissioner, or the assigned administrative law judge to issue an order on the request within 45 days of the request. The bill would provide that the information be deemed

a public record subject to public inspection if the commission, a commissioner, or the assigned administrative law judge fails to issue an order within 45 days of the request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 583 of the Public Utilities Code is
2 amended to read:

3 583. ~~No (a) All information furnished to the commission by~~
4 ~~a public utility, or any a business which that is a subsidiary or~~
5 ~~affiliate of a public utility, or a corporation which that holds a~~
6 ~~controlling interest in a public utility, except those matters~~
7 ~~specifically required to be open closed to public inspection by this~~
8 ~~part, federal or state law, including the provisions of the Evidence~~
9 ~~Code relating to privilege, shall be open to public inspection or~~
10 ~~made public and shall not be withheld from public inspection~~
11 ~~except on order of the commission, or by the commission or~~
12 ~~commission, a commissioner commissioner, or an administrative~~
13 ~~law judge in the course of a hearing or proceeding. Any~~

14 (b) *The commission may, by order, designate specific categories*
15 *of information as confidential, if it finds that the public interest*
16 *served by not disclosing the information clearly outweighs the*
17 *public interest served by disclosing the information.*

18 (c) *This section does not authorize the disclosure of information*
19 *that is exempt from public disclosure under the California Public*
20 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
21 *Division 7 of Title 1 of the Government Code).*

22 (d) (1) *A public utility, a subsidiary or an affiliate of the public*
23 *utility, or a corporation holding a controlling interest in a public*
24 *utility providing information to the commission may request the*
25 *commission to withhold from public disclosure all or a portion of*
26 *the information provided. The request shall specify provisions of*
27 *federal or state law, including the Evidence Code or the California*
28 *Public Records Act, and, if applicable, an order issued pursuant*
29 *to subdivision (b) that exempts the public disclosure of the*
30 *information.*

31 (2) *The commission, a commissioner, or the assigned*
32 *administrative law judge shall grant the request upon an adequate*

1 *showing by the requester that the claimed information is exempt*
2 *from public disclosure pursuant to the specified provision of federal*
3 *or state law, or commission order.*

4 *(3) Within 45 days of the filing of the request, the commission,*
5 *a commissioner, or the assigned administrative law judge shall*
6 *issue an order on the request.*

7 *(4) If the commission, a commissioner, or the assigned*
8 *administrative law judge fails to issue an order on the request*
9 *within 45 days of the request, the information is deemed to be a*
10 *public record within the California Public Records Act and subject*
11 *to public inspection.*

12 *(5) The information that is the subject of the request shall be*
13 *provisionally withheld from public disclosure for 45 days after the*
14 *filing of the request or 10 days after the issuance of the ruling on*
15 *the request, whichever comes first, and until all administrative*
16 *and judicial review, if any, have been exhausted.*

17 *(e) Any present or former officer or employee of the commission*
18 *who divulges any—such information that is exempt from public*
19 *disclosure under this section is guilty of a misdemeanor.*